

REMARKS

Claims 1-22 are now in this application. New claims 21 and 22 have been added.

The Office Action requires election of an invention from the following:

Group I, drawn to a skin conditioner containing one or more kinds of ingredients selected from the group consisting of ammonium salt and ions thereof, a compound represented by the formula (I), ions thereof, and pharmaceutically acceptable salts thereof, including claims 1-11; and Group II, drawn to a method of improving moisture retention ability of skin and/or treating or protecting skin for another purpose, comprising applying to skin the skin conditioner according to claim 1, including claims 12-20.

The Office Action states that if Group II is elected, that an election must be made for one skin disease. The Office Action identifies claims 13, 19, and 20 as examples of lists of various skin diseases.

Applicants hereby elect Group II, including claims 12-22. As for the skin disease election, Applicants hereby elect a disease of an impaired skin moisture retention ability of skin. The present invention is directed to a method of improving the moisture retention ability of skin and therefore the elected disease is that of an impaired skin moisture retention ability of skin. Please note that an election is not limited by the disclosure of the claims since an election is based on the subject matter of the specification. Accordingly,

Applicants have the option of electing a skin condition that is disclosed in the specification. Applicants have also added claims 21 and 22 as specifically directed to such condition. The claims readable on the elected species are claims 12-22. Regarding claims 13, 19, and 20, they read on the elected species to the extent that moisture retention ability of skin is impaired.

Applicants respectfully traverse the restriction requirement. On page 3 of the Office Action the reason for the requirement of restriction has been given as the product being able to be used as an antiobesity and/or anti-hyperglycemic agent. The Office Action has not demonstrated such use of the claimed compounds. Accordingly, reconsideration and withdrawal of the restriction requirement are respectfully requested.

New claims 21 and 22 have been added. Support for such claims is found in, for example, page 10 second full paragraph and the paragraph bridging pages 18-19.

Applicants hereby explain the meaning of a method of improving the moisture retention ability of skin as in the present invention. This is different than what a conventional humectant does. A conventional humectant temporarily stops evaporation of moisture from the skin and this does not affect epidermal functions so that when the use of the humectant is stopped, the skin returns to the previous state. In contrast, the method of improving the moisture retention ability of skin of the present invention means to, *inter alia*, improve

the moisture retention ability of the corneal layer of the epidermis. Thus, such improvement does not merely temporarily maintain the moisture of the skin or create a barrier to avoid losing moisture. Rather, such improvement normalizes the function of the corneal layer of the epidermis to help improve the skin's moisture retention ability. Conventional humectants maintain moisture due to the water-absorbing function of the humectant while the humectant is present in the corneal layer. In contrast, the present invention is directed to improving the moisture retention ability of skin and such improvement remains after the composition of the present invention is no longer on the skin. Thus, the moisture retention ability of the corneal layer of the epidermis itself can be improved. Thus, Applicants are hereby clarifying that when skin itself has impaired moisture retention ability, the present invention can be utilized to ameliorate the situation and that the mechanism of the present invention is different than that of a conventional humectant.

Two further claims in excess of twenty are added. **The fee of \$50.00 for the claims is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.**

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USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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